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Subject: Standard Rules of Practice and Procedures for Environmental Services Inspectors and Employees.

Purpose: This bulletin is established in order to identify the responsibilities and duties of individual staff within the Environmental Services Division as well as establish standard rules and procedures to be adhered to. All staff will be required to follow these guidelines.

Note: For the purpose of clarity and brevity, the pronouns "He" and "His" are used editorially throughout this rule and it should be understood that where used they are too be interpreted as gender neutral and apply to both male and female employees.

General Considerations

An employee of the Environmental Services Division, in carrying out the functions of the Inspectional Service Department (ISD), shall direct his best efforts to accomplish that end intelligently and efficiently and shall hold himself in readiness at all times to respond to requests for assistance from the general public and his superiors. He shall conduct his affairs in a manner consistent with the policies of ISD and reflect the highest standards of honesty, integrity and fairness at all times when performing his official duties. He shall exercise care and good judgement in the use of official City of Boston equipment and present himself in a professional manner at all times.

Article I Public Integrity Policy

Section 1.0

It is the policy of ISD that every action of ISD as an organization, and those of individuals, who act on its behalf, will reflect the highest standards of honesty and integrity. In all of our interactions, whether with the general public, or with each other, we will act in accordance with the ethical standards established by the City of Boston, ISD and this bulletin. It is the responsibility of ISD and its employees to prevent detect and correct instances of misconduct of any kind.

Section 2.0

Compliance with Public Integrity Policy - Each ESD employee shall be responsible for understanding and conducting themselves in accordance with the public integrity policy of ISD as stated in this bulletin, and Commissioner's Bulletin Number 1993-03, and any other published policy statements or Commissioner's Bulletins of the Department or City.

Article II Standard Rules and Practices/Environmental Services

Section 1.0 Chain of Command

All employees shall follow the ISD chain of command. The Assistant Commissioner, who reports directly to the Deputy Commissioner of Field Services, is responsible for the entire Division. The Assistant Commissioner shall be responsible for operational management, compliance with policies and procedures, developing innovations, ensuring proper staff training, deployment and discipline. The Principal Health Inspector is second in command with responsibility for the day to day operations, including compliance with all regulations, laws, policies and procedures in day to day operations. In the absence of either the Assistant Commissioner or the Principal Inspector, the Deputy Commissioner for Field Services leads the Division. In the field, authority is granted to the manager or manager's designee.

Section 2.0

Staff Schedule

The normal working hours for the Division are 8:00a.m.- 4:00p.m. Staff schedules may as specified in the collective bargaining agreement and the work rules of Inspectional Services to accomplish necessary ESD rodent abatement tasks. Regardless of the scheduled hours assigned, each employee shall work a five days a week for seven-hour a day with one hour for lunch and one fifteen minute break per 3.5 hours of work. These breaks can be taken only after the 3.5 hours has been worked, unless prior approval from a manager is obtained.

Section 3.0

Use of Equipment and Supplies

3.1 General use. All employees issued equipment by ISD to perform their essential duties are responsible for complying with Commissioner's Bulletin 2002-18 *"Standard Rules and Procedures For Issue, Use and Care of ISD Equipment"* while using the equipment. All pest applicators accurately document the use of pesticides, including the quantity, type and location of the use, on the baiting sheets provided for annual reporting purposes to the Commonwealth of Massachusetts. Any equipment needed is logged out and/ or accounted for during each shift. The employee using the equipment is the person responsible for it. The supervisors are responsible for ensuring day to day compliance with the use of equipment. Any pertinent information that will affect later use of equipment shall be reported immediately to a supervisor. In addition, all employees use vehicles, even vehicles assigned on a one time or random basis, in compliance with Commissioner's Bulletin 2002-04 *"Standard Rules for the use of ISD motor vehicles."* Any loss, misuse or damage of equipment or vehicles, including the unauthorized taking home of vehicles or equipment, must be reported in writing immediately to the Assistant Commissioner who will in turn will alert the Deputy Commissioner for Administration and Finance.

3.2 Rodent Control vehicles. Each vehicle contains one case of Victor Snap Traps, two buckets of Vengeance bagged bait and three buckets of Final Block for baiting sewers and areas adjacent to waterways. Surgical gloves, copper mesh, sewer baiting wire, sledge hammers and regular hammers are distributed on an as needed basis approved by a supervisor. All equipment use complies with Commissioner's Bulletin 2002-18, with special regard for the accounting of all equipment at the beginning and end of each shift on a standard form provided by ESD.

3.3 The Environmental Services Board Up. The Truck is stocked at all times with 40 sheets of plywood, 20 2x3 boards and 20 2x4 boards. When operational, the vehicle will also contain a Dewalt Combo Kit consisting of a portable skill saw and 18-Volt Dewalt drill, 3" and 4" sheet rock screws, nails and carriage bolts for high security board up jobs. Additional equipment, including the surplus of stock materials such as wood, fasteners, landscape equipment and other pertinent supplies, are stored off-site. Any time the truck is put into use or off-site equipment is used, it is done in compliance with 2002-18, with special regard for the accounting of all equipment. The same applies to use of any Department equipment in support of the Basic Services Team or Project Pride operations.

Section 4.0

Conduct and Field Assistance

Each employee is required to report to their immediate supervisor situations that may be under the jurisdiction of another Division or other city agency. All employees are required to report to their supervisor any allegations of misconduct by any city employee or observations of alleged misconduct in their day to day duties. A report will then be made to the Personnel Director and/or his supervisor. Failure to report such misconduct may result in disciplinary action under the respective collective bargaining agreements.

Section 5.0

Media Inquiries/On Scene Presence

All media inquiries in the office or in the field are immediately referred to the Commissioner's Office. There are to be no exceptions to this rule. It is acceptable for the individual to secure the name and a way of contacting the media outlet for referral purposes only, but no comments are to be issued either personally or on behalf of the department without the consent of the Commissioner's Office.

Article III Standard Practice and Procedure for Environmental Services Staff

Section 1.0 Intake and Scheduling of Inspections.

1.1 Emergency complaints: Environmental Services Division employees shall treat the following situations as emergencies:

1.1a Report of a rat bite or rat free in a residential dwelling: Immediately after any call describing a potential rat bite or rat free in a dwelling, ESD staff will alert the Housing Division for dispatch of a housing inspector. An ESD inspector may report to the scene at the direction of a ESD or Housing Division manager to conduct appropriate pest control measures in accordance with the Code of Massachusetts Regulations for pest control applications. *See Section 3.3 Pest Control below*

1.1b. Building Security / re-securing
ESD personnel shall respond immediately to requests from a manager, including the on-call manager, to secure a building condemned by ISD. Inspectors are required to secure all openings identified by the contact person on-scene. When the property is secured, the inspectors are required to record the amount and type of material used, number of man hours, designating the number of overtime hours if applicable, required to complete the job. This information shall be presented to the Budget office for invoicing the following business day. ESD shall be responsible for the disposition of all secured buildings in accordance with Commissioner's Bulletin 2001-8.

1.2 Non Emergency Complaints. All complaints to ESD other than those identified as emergency complaints in section 1.1 shall be non-emergency complaints and may come from constituent phone calls to the Department or the Mayor's 24 hour hotline, or basic correspondence from a constituent, another ISD division or a city department. Non-emergency complaints shall receive a field response no later than the end of the following business day. The Principal Health Inspector will assign these complaints to the local inspector. Typical non-emergency complaints are handled as follows:

1.2a Rodent complaint. The inspector responding to such complaints applies the Integrated Pest Management approach. Each inspector explain any finding to the complainant or the owner/agent of the property where the alleged activity is to have occurred. At all times the inspector is to act courteously and professionally when he addresses the party in interest. The inspector may issue notices of violation for 105 CMR410.550 or others as set out in Section 3.2 above.

1.2b Trash and refuse complaints. When assigned such a complaint an inspector may issue notices of violation for 105 CMR 410.600 -602. These complaints are also referred immediately upon receipt to the Code Enforcement Police for collateral enforcement efforts. Inspectors notify supervisors if added resources are needed to remove trash or any rodent harborage.

1.3 Compliance inspections: Site Cleanliness licenses. ESD inspectors perform an annual inspection of all authorized bulk refuse containers and the area surrounding them licensed under the Site Cleanliness Ordinance. The inspectors examine the area for compliance with the Site Cleanliness plan on file with the Department and general compliance the State Sanitary Code. These inspections will be conducted for issuing a new Site Cleanliness License or the annual renewal. The Code Enforcement Police and the Environmental Services Division will monitor these locations across the city.

Section 2.0 Obtaining Legal Entry for Inspection

2.1 No ESD inspector enters onto private land or into a private dwelling without first obtaining a signed administrative inspection form providing consent to such lawful entry. If consent is not granted then see Section 2.3 of this document. The consent requirement does not preclude inspectors from making observation from a public way or area held open to the public of conditions in existence on the land.

2.2 Foreign Language Interpretation

If an individual or group is unable to understand the particular spoken or written word of ISD personnel because of a language barrier, the inspector requests an interpreter who speaks the specific language through the Inspectional Services staff or by contacting the Mayor's Office of Neighborhood Services. The inspection shall not proceed until an interpreter has arrived at the scene.

2.3 Warrants

If an inspector cannot gain consent to enter the land or premises, then upon such denial the inspector shall notify a supervisor for the purposes of coordinating the process of obtaining a search warrant with the Division of Investigative and Regulatory Enforcement and/or the Law Department.

Section 3.0 Inspections and Other Field Conduct

- 3.1 **Presenting Identification.** All field personnel are required to present Department issued identification upon presenting themselves for any inspection or other official duties including after hours and weekend work. Identification is used for official purposes or verification of employment, membership for professional organizations or as a second means of identification.
- 3.2 **Inspections.** All inspections are conducted in a clear and methodical manner, taking legible notes. Inspectors conduct complete inspections. ESD staff may inspect any property to which it has a justified legal presence for compliance with 105 CMR 410.600-2 (residential property); 105 CMR 590.020-021 (commercial property), Site Cleanliness Ordinance CBC c. 9-9.8. All inspections are assigned to local inspectors based on complaints except for annual Site Cleanliness inspections and when needed Construction site inspections.
- 3.3 **Pest control.** Pest control measures are used only on public property unless rodent activity on private property is causing a public nuisance or emergency situation and expressed written consent is provided to ESD inspectors to perform such duties by the private property owner. All pest control measures shall only be performed by licensed pest applicators on the exterior of any dwelling or building to address a violation of 105 CMR 410.550. Pest control measures shall comply with M.G.L. c. 132B; 333 CMR 10.00, 105 CMR 410.550(D) and other laws.

Section 4.0 Violations

4.1 Issuance of Violations: ESD Inspectors issue notices of violation to the owner and /or occupant upon observing the conditions violating provisions of the State Sanitary Code stated in Section 3.2 above within 24 hours of taking notice of such violations. An ESD supervisor signs all notices prior to their service to ensure accuracy and proper citation. Violations are written neatly and legibly. Each inspector writes out the violation witnessed and code section violated. Inspectors make an effort to record the conditions either through written description or photographs to supplement any future prosecution. All inspectors make an effort to schedule re-inspections with the offending party at the time of the initial inspection. All violations shall be given two response time categories:

4.1a 24 hour response requirement: Any violation of 105 CMR 410.550 requires the property owner to correct the violations or at least make a good faith effort to do so within 24 hours of notice pursuant to 105 CMR 410.830. Interior violations of 105 CMR 410.550 are referred immediately to the Housing Division.

4.1b 7-day response requirement: All other violations noticed by ESD inspectors as set forth in section 3.2 above require the property owner to correct the violations within seven days of notice pursuant to 105 CMR 410.830. All such violations are also referred to the Code Enforcement police for collateral enforcement through the process set forth in G.L. c. 40 § 21D.

4.2 Re-inspection and Failure to correct within time period authorized: Upon expiration of the time allowed to correct a violation, inspectors execute a re-inspection scheduled at the time of the initial violation when possible. Inspectors shall be responsible for all follow up on violations issued by them, unless otherwise directed by a manager. All re-inspection results are reported to the Principal Health Inspector for closure, a hearing or prosecution. ESD holds administrative hearings for uncorrected violations. The hearings are conducted consistent with Commissioner's Bulletin 2002-02 and 2A, the hearing officer issues a written decision consistent with the same, filed with the building jacket and mailed to the owner.

4.3 Failure To Comply With Hearing Decision, Notice to legal: Failure to comply with the hearing officer's written decision results in referral of the case to the Legal Division for prosecution. The inspector conducting the initial inspection shall monitor the property for decision compliance and over all sanitary condition, a follow up inspection may be scheduled. It shall be the responsibility of the ESD to highlight problem properties and recommend them to the legal division with all supporting documentation.

4.4 Site Cleanliness violations. Any party using a bulk refuse container without a valid Site Cleanliness License or a failure to comply with a valid Site Cleanliness License or any part of the Ordinance is issued a violation. Failure to correct a violation results in subsequent violations each day the violation continues. After three violations, the violator is sent written hearing notice stating with particularity the issues being considered at the hearing, the time, place and date of the hearing. The hearing officer may order remedial steps and impose a \$1000 a day per fine after the hearing. A hearing officer issues a written hearing decision that is served either in person or sent through regular mail to the violator. All hearings comply with Commissioner's Bulletin 2002-2, 2A. For failure to comply with the hearing decision see Section 4.3.

Section 5.0

Revoking or Suspending Permits or Licenses

5.1 Environmental Services Division enforcement action may result in the suspensions or revocations in the following way:

5.1a Site Cleanliness Licenses: A site cleanliness license may be suspended under the authority of the City of Boston Site Cleanliness Ordinance. All aggrieved parties shall petition EDS for a hearing on the matter

5.1b Unabated rodent activity on construction site: Failure to abate any rodent activity caused by the demolition, drilling or construction of a building or on a parcel of land shall be reported to the Principal Inspector, who shall make a weekly report to the Building Division pursuant to Commissioner's Bulletin 87-4 "Proper Extermination for Building Department Permit Applications." Such cases referred to the Building Division shall be reviewed for potential issuance of a stop work order pursuant to 780 CMR 119.1 until the rodent problem is abated.

5.1c. TSOP of Health Permit: Any permitted food service establishment may be subject to the Temporary Suspension of its Operating Permit in accordance with 105 CMR 590.014. after repeated citation the improper storage of trash or other sanitary violations. EDS inspectors shall refer all food establishments receiving violations from ESD inspectors to the Health Division for inspection to ensure compliance in daily food service with public health provisions for food service as set forth in 105 CMR 590.00.

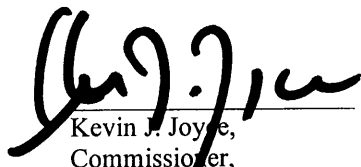
6.0 Programmatic Support

ESD staff shall provide programmatic support to the various quality of life efforts of the Department including but not limited to clearing debris, trash, overgrowth and other rodent harborages from public and private lands in conjunction at times with the Suffolk County House of Correction workers or the Mayor's Basic Services Team. EDS staff shall also support emergency operations as needed. ESD shall be issued the necessary equipment to accomplish such tasks. ESD staff using such equipment shall be responsible for its proper use, care and accountability as set forth in Commissioner's Bulletin 2002-18.

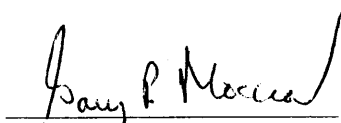
7.0 Failure to Comply

Any failure to comply with this bulletin or any Department or City policy may result in discipline against any violating employee, including managers. For employees with membership in a union, employee discipline shall be in accordance with the respective collective bargaining agreement between employee's union and the City of Boston.

Signed:



Kevin J. Joyce,
Commissioner,
Boston Inspectional Services
Date: 1.16.03



Gary P. Moccia, P.E.
Asst. Cmsr. of the Department
Boston Inspectional Services
Date: 1/16/03



Leo Boucher,
Asst. Commissioner,
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